



Ontario | Commission  
Energy | de l'énergie  
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**BY EMAIL**

February 28, 2024

Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
[Registrar@oeb.ca](mailto:Registrar@oeb.ca)

Dear Ms. Marconi:

**Re: Newmarket-Tay Power Distribution Ltd.  
Application for 2024 Rates  
Ontario Energy Board File Number: EB-2023-0039**

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On February 23, 2024, Newmarket-Tay Power Distribution Ltd (Newmarket-Tay Power) requested confidential treatment for certain information filed as part of its interrogatory responses.

Section 5.1.4 of the *Practice Direction on Confidential Filings* (Practice Direction) requires parties seeking confidential treatment to file certain information in support of a claim. The requirements include filing:

(b) a table which sets out for each piece of information for which confidential treatment is requested: (i) the specific page(s) that are redacted; (ii) whether the redacted information fits within a presumptively confidential category included in Appendix B, if applicable; and (iii) where (ii) does not apply, the basis for the confidentiality claim, including references to Appendix A, if applicable, and the reasons why public disclosure of that information would be detrimental;

Newmarket-Tay Power has not filed such a table, nor is it apparent from Newmarket-Tay Power's cover letter requesting confidentiality as to the basis of the confidentiality claims. The cover letter references a confidentiality agreement with York Region but does not address the fact that the Practice Direction states that "a confidentiality agreement between an applicant and a third party does not automatically result in confidential treatment for the information covered by the agreement".

For the first set of redactions, no reasons are provided as to why those high-level numbers should not be disclosed on the public record.

For the second set of proposed redactions, Newmarket-Tay Power references the redactions containing “personal information” even though the information appears to fit squarely within the business identify information exception in section 2(3) of the *Freedom of Information and Protection of Privacy Act*. Newmarket-Tay Power also states second set of proposed redactions is “Information identified as being considered confidential in OEB filing requirements and filing guidelines” but does not reference the relevant filing requirement in support of that statement.

OEB staff request that Newmarket-Tay Power file a table, as required by section 5.1.4(b) of the Practice Direction, that sets out the basis for their confidentiality claims. This will allow intervenors and OEB staff to fairly consider the confidentiality request.

Yours truly,

Oluwole (Wolly) Bibiresanmi  
Case Manager

cc: All parties in EB-2023-0039